

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO et al.,

Debtors.¹

PROMESA
Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

ORDER REGARDING DEFECTIVE PLEADING

The Court has received and reviewed the *Motion for Reconsideration of the Order on January 20, 2022, Hearing As to Claim 6850* (Docket Entry No. 19949) (the “Motion”), filed by Raymond L. Bodnar, “an attorney of the State of New Jersey” (Mot. at 1), and as legal counsel for “Bodnar Trust U/A Dated 12/28/2001.” The pleading is defective because although Mr. Bodnar is an attorney, he is not admitted to the bar of the United States District Court for the District of Puerto Rico, nor has he been admitted to practice pro hac vice. See Local Rule 83A. As such, the representation provided by Raymond L. Bodnar would be pro se, which is impermissible.

As this Court has previously ruled (see Docket Entry No. 17996), artificial entities may not appear in this proceeding without counsel, as they are not natural persons. Rowland v. California Men’s Colony, 506 U.S. 194, 202-03 (1993) (explaining that corporations and other artificial entities can only appear in federal court through licensed counsel). See also, e.g., Riveredge Owners’ Ass’n v. Town of Cortlandt, Inc., 16-CV-5665 (GBD) (JLC), 2016 WL 6462387, at *2 (S.D.N.Y. Nov. 1, 2016) (report and recommendation), adopted, 16 Civ. 5665

¹ The Debtors in these Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

(GBD) (JLC), 2016 WL 7392218 (S.D.N.Y. Dec. 21, 2016). An exception to this rule exists where both (i) the trustees are the sole beneficiaries, and (ii) the entities that the trustees oversee have no creditors. See Guest v. Hansen, 603 F.3d 15, 21 (2d Cir. 2010); Bourne v. Gardner, 468 F. Supp. 3d 426, 427 (D. Mass. 2020).

Here, in the absence of representation by counsel admitted to practice before this Court, Mr. Bodnar's representation would impermissibly be pro se, as he has not alleged facts demonstrating that the trust falls within the narrow exception to the rule that artificial entities may not appear without counsel. Accordingly, the Motion is stricken. Any corrected pleadings must either (a) be filed by counsel admitted to practice before this Court, or (b) demonstrate entitlement to the narrow exception set forth above. Any corrected pleading relating to the Motion must be filed promptly.

SO ORDERED.

Dated: January 31, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge